## BEFORE THE BOARD OF ENVIRONMENTAL REVIEW OF THE STATE OF MONTANA

In the matter of the amendment	)	NOTICE OF PUBLIC HEARING
of ARM 17.8.1101, 17.8.1102,	)	ON PROPOSED AMENDMENT,
17.8.1103 and 17.8.1107, the	)	ADOPTION AND REPEAL
adoption of new rules I	)	
through III and the repeal of	)	
17.8.221 pertaining to the	)	(AIR QUALITY)
protection of visibility in	)	
mandatory Class I federal	)	
areas	)	

## TO: All Interested Persons

- 1. On \_\_\_\_\_\_ at \_\_\_:00 a.m. the Board of Environmental Review will hold a public hearing in Room \_\_\_\_ of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.
- 2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., \_\_\_\_\_\_\_, 2002, to advise us of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana, 59620-0901; phone (406) 444-2544; fax (406) 444-4386 or email "ber@state.mt.us".
- 3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:
- $\underline{17.8.1101}$  DEFINITIONS For the purposes of this subchapter:
- (1) "Federal Class I area" means those areas listed in ARM 17.8.806(1) and any other federal land that is classified or reclassified as Class 1.
- (2) (1) "Adverse impact on visibility" means, for purposes of Title 17, Chapter 8, subchapter 11, ARM, visibility impairment which the department determines does or is likely to interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of visitors within a the federal Class I area. The This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment impairments, and how these factors correlate with times of visitor use of the federal Class I area, and the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.
- (2) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction

- achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the following:
  - (a) technology available;
  - (b) the costs of compliance;
- (c) the energy and non-air quality environmental impacts of compliance;
- (d) any pollution control equipment in use or in existence at the source;
  - (e) the remaining useful life of the source; and
- (f) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.
- (3) "Building, structure, or facility" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities must be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0 respectively).
- (4) "Department" means the Montana department of environmental quality.
- (5) "Existing stationary facility" means any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted:
- (a) fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;
  - (b) coal cleaning plants (thermal dryers);
  - (c) kraft pulp mills;
  - (d) Portland cement plants;
  - (e) primary zinc smelters;
  - (f) iron and steel mill plants;
  - (g) primary aluminum ore reduction plants;
  - (h) primary copper smelters;
- (i) municipal incinerators capable of charging more than 250 tons of refuse per day;
  - (j) hydrofluoric, sulfuric, and nitric acid plants;
  - (k) petroleum refineries;
  - (1) lime plants;
  - (m) phosphate rock processing plants;
  - (n) coke oven batteries;
  - (o) sulfur recovery plants;
  - (p) carbon black plants (furnace process);
  - (q) primary lead smelters;

- (r) fuel conversion plants;
- (s) sintering plants;
- (t) secondary metal production facilities;
- (u) chemical process plants;
- (v) fossil-fuel boilers of more than 250 million British thermal units per hour heat input;
- (w) petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels;
  - (x) taconite ore processing facilities;
  - (y) glass fiber processing plants; and
  - (z) charcoal production facilities.
- (6) "Federal Class I area" means any federal land that is classified or reclassified as Class I.
- (7) "Federal land manager" means the secretary of the department with authority over the federal Class I area (or the secretary's designee).
- (8) "Federally enforceable" means all limitations and conditions which are enforceable by the EPA administrator under the Clean Air Act including:
- (a) requirements developed pursuant to 40 CFR Parts 60 and 61;
- (b) requirements within any applicable state implementation plan; and
- (c) any permit requirements established pursuant to 40 CFR Part 52.21 or under regulations approved pursuant to 40 CFR Parts 51, 52, or 60.
- (9) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (10) "Implementation plan" means, for the purposes of this subchapter, any state implementation plan.
- (11) "In existence" means that the owner or operator has obtained all necessary preconstruction approvals or permits required by federal, state, or local air pollution emissions and air quality laws or regulations and either has:
- (a) begun, or caused to begin, a continuous program of physical on-site construction of the facility; or
- (b) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed in a reasonable time.
- (12) "In operation" means engaged in activity related to the primary design function of the source.
- (13) "Installation" means an identifiable piece of process equipment.
- (14) "Integral vista" means a view perceived from within the mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.
- (15) "Long-term strategy" means a 10- to 15-year plan for making reasonable progress toward the national visibility goal.

- (16) "Mandatory Class I federal area" means any area identified in 40 CFR Part 81, subpart D.
- (17) "Natural conditions" includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.
- (18) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.
- (19) "Reasonably attributable" means attributable by visual observation or any other technique the department deems appropriate.
- (20) "Reasonably attributable source" means an existing stationary facility that, by itself, or in combination with other sources, emits any air pollutant the department determines may be anticipated to cause or contribute to any impairment of visibility in any mandatory Class I federal area.
- (21) "Reasonably attributable visibility impairment" means visibility impairment that is caused by the emission of air pollutants from one, or a small number of sources.
- (22) "Secondary emissions" means emissions which occur as a result of the construction or operation of any existing stationary facility, but do not come from the existing stationary facility. Secondary emissions may include, but are not limited to, emissions from ships or trains coming to or from the existing stationary facility.
- (23) "Significant impairment" means, for the purposes of [NEW RULE II], visibility impairment which, in the judgment of the department, interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the mandatory Class I federal area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of the visibility impairment, and how these factors correlate with:
- (a) times of visitor use of the mandatory Class I federal area; and
- (b) the frequency and timing of natural conditions that reduce visibility.
- (24) "State" means "state" as defined at 42 U.S.C. 7602(d).
- (25) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant.
- (3) (26) "Visibility impairment" means any humanly perceptible change in <u>visibility (light extinction</u>, visual range, contrast, or coloration) from that which would have

existed under natural conditions. Natural conditions include fog, clouds, windblown dust from natural sources, rain, naturally ignited wildfires, and natural aerosols.

(27) "Visibility in any mandatory Class I federal area" includes any integral vista associated with that area.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, 75-2-204, 75-2-211, MCA

- 17.8.1102 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates by reference the following:
  - (a) remains the same.
- (b) "Workbook for Plume Visual Impact Screening and Analysis" (Revised) (EPA-454/R-92/023), specifying methods for estimating visibility impairment  $\div$ :
- (c) "Workbook for Plume Visual Impact Screening and Analysis" (EPA-450/4-88-015, 1988), specifying methods for visibility impact analysis; and
- (d) "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and Other Existing Stationary Facilities" (1980) (EPA-450/3-80-0096), specifying methods for determining BART for fossil-fuel fired generating plants having a total generating capacity in excess of 750 megawatts.
  - (2) through (4) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: Title 75, chapter 2 75-2-203, 75-2-204, 75-2-211, MCA

## 17.8.1103 APPLICABILITY--VISIBILITY REQUIREMENTS

- (1) This subchapter is applicable to the owner or operator of:
- (a) an existing stationary facility, as defined by ARM 17.8.1101(5);
- (b) a proposed major stationary source, as defined by ARM  $17.8.801(22)_{7}$ ; or
- $\underline{\text{(c)}}$  of a source proposed for a major modification, as defined by ARM 17.8.801(20) proposing to construct such a source or modification after July 1, 1985, in any area within the state of Montana designated as attainment, unclassified, or nonattainment, in accordance with 40 CFR 81.327, incorporated by reference in ARM 17.8.1102.
- (2) The requirements of this subchapter shall be integrated with the requirements of ARM Title 17, chapter 8, subchapters 7 (Permit, Construction and Operation of Air Contaminant Sources) and 8 (Prevention of Significant Deterioration of Air Quality).

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, 75-2-204, 75-2-211, MCA

17.8.1107 VISIBILITY MODELS (1) All estimates of visibility impact required under this subchapter shall be based on those models contained in "Workbook for Plume Visual Impact Screening and Analysis" (EPA 450/4 88 015, 1988), incorporated by reference in ARM 17.8.1102(1)(c). Equivalent models may be substituted if approved by the department.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, 75-2-204, 75-2-211, MCA

4. The proposed new rules provide as follows:

<u>NEW RULE I EXISTING IMPAIRMENT</u> (1) The affected federal land manager may certify to the department, at any time, that visibility impairment exists in any mandatory Class I federal area.

- (2) The affected federal land manager shall submit an analysis that includes relevant data and demonstrations when certifying that visibility impairment exists in a mandatory Class I federal area.
- (3) Upon receipt of the certification and analysis by the federal land manager that visibility impairment exists in a mandatory Class I federal area, the department shall review the analysis and visibility data and determine whether a reasonably attributable source exists.
- (4) If a reasonably attributable source does not exist, the department shall review the impairment certification at the time of the next periodic review of the long-term strategy. If a reasonably attributable source exists, the provisions of [NEW RULE III] apply unless the reasonably attributable source is exempted pursuant to [NEW RULE II].

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, 75-2-204, 75-2-211, MCA

- NEW RULE II EXEMPTION FROM BEST AVAILABLE RETROFIT TECHNOLOGY (BART) (1) If the department determines a reasonably attributable source exists, the owner or operator of the reasonably attributable source may apply to the department for an exemption from the requirement to install, operate, and maintain BART.
- (2) An applicant for an exemption from BART shall submit to the department all available documentation relevant to the impact of the existing stationary facility's emissions on visibility in any mandatory Class I federal area. An applicant shall demonstrate the existing stationary facility does not or will not, by itself, or in combination with other sources, emit any air pollutant which may reasonably be anticipated to cause or contribute to a significant impairment of visibility in any mandatory Class I federal area.
- (3) Any fossil-fueled power plant with a total generating capacity of 750 megawatts or more may receive an exemption from [NEW RULE III] only if the owner or operator of such power plant demonstrates to the satisfaction of the

department that such power plant is located at such a distance from all mandatory Class I federal areas that such power plant does not or will not, by itself, or in combination with other facilities, emit any air pollutant which may reasonably be anticipated to cause or contribute to significant impairment of visibility in any mandatory Class I federal area.

- (4) An applicant for an exemption from BART shall provide written notice to all affected federal land managers prior to submitting an application to the department for exemption. Upon submitting an application for exemption, the applicant shall certify to the department that affected federal land managers were notified of the application.
- (5) An affected federal land manager may provide an initial recommendation or comment on an application for exemption within 30 days after the department's receipt of the application. This recommendation or comment is not to be construed as federal land manager concurrence.
- (6) The department shall, within 90 days after receipt of an application for exemption, including receipt of any federal land manager recommendation or comment on the application, provide at least 30 days advance notice of public hearing on the application.
- (7) Within 60 days following public hearing, the department shall grant or deny an application for exemption on a case-by-case basis using the standard as set forth in [NEW RULE II(2)]. The department shall issue an order consistent with its decision to grant or deny an exemption. If the department denies an exemption, the applicant is subject to the requirements of [NEW RULE III].
- (8) A person who is jointly or severally adversely affected by the department's order may request a hearing before the board. The request for hearing must be filed within 15 days after the department renders its decision and must include an affidavit setting forth the grounds for the request. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA, apply to a hearing held under this rule.
- (9) The department's order is not final unless 15 days have elapsed from the date of the order and no person requests a hearing before the board. The filing of a request for a hearing postpones the effective date of the department's order until the conclusion of the hearing and the issuance of a final decision by the board.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, 75-2-204, 75-2-211, MCA

NEW RULE III BART ANALYSIS (1) Within 60 days after the department issues an order that a reasonably attributable source exists, or within 60 days after the department issues an order denying an exemption under [NEW RULE II], the owner or operator of a reasonably attributable source shall submit to the department a BART analysis of each reasonably attributable source by taking into account the following:

- (a) the emission control technology available;
- (b) the costs of compliance;
- (c) the energy and non-air quality environmental impacts of compliance;
- (d) any pollution control equipment in use or in existence at the source;
- (e) the remaining useful life of the reasonably attributable source; and
- (f) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.
- (2) Within 60 days following receipt of the BART analysis as required by [NEW RULE III(1)], the department shall review the analysis and issue an order stating the conditions that constitute BART.
- (3) Unless granted an exemption pursuant to [NEW RULE II], the owner or operator of each reasonably attributable source shall properly install, operate, and maintain BART as expeditiously as practicable, but in no case later than five years after the department issues an order.
- (4) For fossil-fuel fired generating plants having a total generating capacity in excess of 750 megawatts, BART shall be determined pursuant to the guidelines incorporated by reference in ARM 17.8.1102(1)(d).
- (5) If the department determines that technological or economic limitations on the applicability of measurement methodology to a particular existing stationary facility would make the imposition of an emission standard infeasible, the department may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, must set forth the emission reduction to be achieved by implementation of such design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.
- (6) A person who is jointly or severally adversely affected by the department's order may request a hearing before the board. The request for hearing must be filed within 15 days after the department renders its decision and must include an affidavit setting forth the grounds for the request. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing held under this rule.
- (7) The department's order is not final unless 15 days have elapsed from the date of the order and no person requests a hearing before the board. The filing of a request for a hearing postpones the effective date of the department's order until the conclusion of the hearing and the issuance of a final decision by the board.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, 75-2-204, 75-2-211, MCA

5. ARM 17.8.221 is being proposed for repeal and is on page 17-279 of the Administrative Rules of Montana.

AUTH: 75-2-111, 75-2-202, MCA

IMP: 75-2-202, MCA

REASON: Congress declared a national goal for visibility that includes the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas, which impairment results from manmade air pollution. 42 USC §7491 of the federal Clean Air Act (CAA) requires all states with mandatory Class I federal areas to adopt visibility protection programs that meet the requirements of federal regulations.

As a demonstration of visibility protection, states are required to submit regulatory elements of a state visibility program to the U.S. Environmental Protection Agency (EPA) for approval as a revision to the State Implementation Plan (SIP). Under the CAA, failure to adopt a visibility protection program may result in an EPA finding of SIP inadequacy and the imposition of federal economic sanctions.

The federal regulations implementing 42 USC §7491 require the state to establish goals and emission reduction strategies for improving visibility in all 12 mandatory Class I federal areas, i.e., the national parks in Montana and the wilderness areas in Montana of 5,000 acres or more established on or before August 7, 1977. To implement 42 USC §7491, and the federal regulations promulgated under that statute, the Board has adopted ARM 17.8.1101 through 1111, which provide requirements concerning visibility protection applicable to new major stationary sources and major modifications.

On November 24, 1987, EPA issued a determination disapproving the SIPs of 29 states, including Montana, for failure to comply with the provisions of EPA's regulations concerning visibility impairment that can be reasonably attributed to existing major sources. 52 Federal Register 45132 (November 24, 1987). EPA directed the states with disapproved SIPs to address the general visibility plan and long-term strategy requirements of 40 CFR 51.302 and 51.306.

The proposed amendments and new rules would include requirements concerning visibility impairment that may be reasonably attributed to an existing major source or a small number of existing major sources. These federal provisions require Best Available Retrofit Technology (BART) for existing stationary facilities that, by themselves, combination with other sources, may be anticipated to cause or contribute to impairment of visibility in a mandatory Class I federal area. Although EPA also determined that the state had addressed Integral Vista Protection, no federal managers identified any integral vistas in Montana on or before December 31, 1985, the date required for doing so under Therefore, the Board is not proposing rules 40 CFR 51.304. regarding Integral Vista Protection. If adopted by the Board,

the Department intends to submit the rule amendments and new rules to EPA for incorporation into the Montana SIP.

At this time, no reasonably attributable sources exist in Montana because that designation would be made only following certification by a federal land manager of the existence of visibility impairment in a mandatory Class I federal area, followed by determination by the Department that the impairment is caused by one or more existing stationary facilities.

The Board is proposing to amend the current definitions in ARM 17.8.1101 to conform to the definitions of those phrases in 40 CFR 51.301. The Board is proposing additional amendments to ARM 17.8.1101 to add definitions of terms and phrases used in proposed New Rules I through III. All of the proposed new definitions are taken almost verbatim from 40 CFR 51.301, except for the proposed definitions of "long-term strategy" and "reasonably attributable source," which are not defined in federal regulations. The provisions of the federal regulations that refer to "long-term strategy" refer to a period of 10 to 15 years, so the Board is proposing to define the phrase using that period of time. The phrase "reasonably attributable source" is not used in the federal statutes and regulations, but is necessary for purposes of proposed New Rules I through III. The Board is proposing a definition of "reasonably attributable source" that conforms to 42 USC §7491 and federal regulations.

The Board is proposing to amend ARM 17.8.1102 incorporate by reference EPA's "Workbook for Plume Visual Impact Screening and Analysis," which the Department follow under ARM 17.8.1107 in required to estimating visibility impacts, but which previously has been omitted from the incorporations by reference in ARM 17.8.1102. The Board proposing to amend ARM 17.8.1102 to incorporate reference "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and Other Existing Stationary Facilities, which, under 40 CFR 51.302(c)(4)(iii), the Department must follow in determining BART for fossil-fuel fired generating plants having total generating capacity of more than 750 megawatts. In the authorizing section for ARM 17.8.1102, to conform to the current format prescribed by the Secretary of State's office, the Board also is proposing to substitute citations to the specific statutes implemented in place of the current reference to "Title 75, Chapter 2, MCA."

The Board is proposing to amend ARM 17.8.1103 to note that the subchapter would now also apply to existing stationary facilities, as defined in the proposed amendments, in addition to applying to proposed major stationary sources and major modifications.

The Board is proposing to amend ARM 17.8.1107 by deleting the specific citation to the Workbook for Plume Visual Impact Screening and Analysis, which would be adopted and incorporated by reference in ARM 17.8.1102. This is not intended to change the meaning of the rules but is intended only to avoid having to amend the references to the workbook

in both rules whenever the workbook is updated or the name of the workbook is changed.

New Rule I would provide a process for federal land managers to provide an analysis to the Department demonstrating that visibility impairment exists in a mandatory federal Class I area and for the Department to review the analysis and determine whether a reasonably attributable source exists.

New Rule II would allow owners or operators to apply for an exemption from BART by demonstrating that their facility does not, or will not, cause or contribute to significant impairment of visibility in a mandatory Class I federal area. Under New Rule II, the Department would conduct a public hearing on an application for an exemption from BART and a person adversely affected by the Department's decision on the application could request a contested case hearing before the Board concerning the decision.

New Rule III would provide a process for the Department to determine and require BART for reasonably attributable sources that are not granted an exemption under proposed New Rule II. The rule would require installation and operation of BART as expeditiously as practicable, but no later than five years after the Department or the Board determines that BART is required. New Rule III would provide a process for an adversely affected person to request a contested case hearing before the Board concerning a Department order stating the conditions that constitute BART for a particular facility.

The Board is proposing to repeal ARM 17.8.221 because the rule sets forth a redundant and incomplete method of measuring visibility impairment. The current method of measuring the extinction and scattering of light that results in visibility impairment is the Interagency Monitoring of Protected Visual Environments (IMPROVE). IMPROVE monitoring sites measure visibility at all of Montana's mandatory Class I federal areas. Confirming compliance with a standard such as that set forth at ARM 17.8.221 is an inferior method of mitigating visibility impairment. The Department expects federal land managers certifying impairment of visibility will rely on data from IMPROVE monitors. The Department's determinations will likewise rely on IMPROVE data.

- 5. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901; faxed to (406) 444-4386, or emailed to "ber@state.mt.us", no later than 5:00 p.m., \_\_\_\_\_\_, 2002. To be guaranteed consideration, written comments must be postmarked on or before that date.
- 6. \_\_\_\_\_ has been designated to preside over and conduct the hearing.

- 7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their names added to the list shall make a written request that includes the name and mailing address of the person to receive notices regarding any of the following topics: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulations; hard rock (metal) mine reclamation; major facility siting; open-cut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board of Environmental Review, 1520 East Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901, faxed to the office at (406) 444-4386, or may be made by completing a request form at any hearing held by the Board.
- The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BY: JOSEPH W.RUSSELL, M.P.H. CHAIRMAN

BOARD OF ENVIRONMENTAL REVIEW

Reviewed by: David Rusoff, Rule Reviewer Certified to the Secretary of State , 2002.